

Document No. 219P (85)
Br. Ex. 119

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THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO
THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1126

TOKYO, November 24, 1938.

• • • •

It has recently been brought to the attention of my Government that the Chinese Maritime Customs at Canton was taken over by the Japanese consular and military authorities on November 9, 1938, and that the acting deputy commissioner in charge was informed by those authorities that no customs funds then owing or there in banks might be transferred to the Inspector General of Customs without the permission of the Japanese authorities.

Accordingly, acting under instructions from my Government, I have the honor formally to protest against the taking over of the Chinese Maritime Customs House at Canton by the Japanese authorities. My Government is of the opinion that this reported action constitutes an infringement of the international status of the Chinese Maritime Customs. . . .

Foreign Relations I, p. 746 at
p. 747

Gu 990 2/19 P(85)

駐日公使大臣(Green) / 德田日本外相大臣
拔革

第二二六號

東京

一九三八年十一月二日

在廣東支那海關之日本領事及傳令官是係一九三八年十一月九日
接收了呈上呈送之信函，其收件者即為總關長代理。當時
保有或向地銀行保有若干之存款，該金乃日本官廳所承
認之于總關監察長官手抄之事奉。轉由受主之事實，
“最近我政府注意于計，將不以。

迄至本官（我政府）命令總關在廣東支那海關之日本
官廳之係，詳於此事，特此正式佈議，俾入于下次第
于我政府，此報告于之行為：支那海關，國際的初步
（假會）構成不因，是解了有品天下。

外交關係 丁

一四二頁

七四八頁

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Br. Ex. 120

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpts.

No. 1153

TOKYO, December 30, 1938.

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In the light of facts and experience the Government of the United States is impelled to reaffirm its previously expressed opinion that imposition of restrictions upon the movements and activities of American nationals who are engaged in philanthropic, educational and commercial endeavors in China has placed and will, if continued, increasingly place Japanese interests in a preferred position and is, therefore, unquestionably discriminatory in its effect against legitimate American interests. Further, with reference to such matters as exchange control, compulsory currency circulation, tariff revision, and monopolistic promotion in certain areas of China the plans and practices of the Japanese authorities imply an assumption on the part of those authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces are entitled to act in China in a capacity such as flows from rights of sovereignty and further in so acting to disregard and even to declare nonexistent or abrogated the established rights and interests of other countries including the United States.

The Government of the United States expresses its conviction that the restrictions and measures under reference not only are unjust and unwarranted but are counter to the provisions of several binding international agreements, voluntarily entered into, to which both Japan and the United States, and in some cases other countries, are parties.

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The Government of the United States in its note of October 6 requested, in view of the often reiterated assurances proffered by the Government of Japan of its intention to observe the principle of equality of opportunity in its relations with China and in view of Japan's treaty obligations so to do, that the Government of Japan abide by these obligations and carry out these assurances in practice.

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The Japanese Government in its reply appears to affirm that it is its intention to make its observance of that principle conditional upon an understanding by the American Government and by other governments of a "new situation" and a "new order" in the Far East as envisaged and fostered by Japanese authorities.

• • • • •

This country's adherence to and its advocacy of the principle of equality of opportunity do not flow solely from a desire to obtain the commercial benefits which naturally result from the provisions of that principle. They flow from a firm conviction that observance of that principle leads to economic and political stability, which are conducive both to the internal well-being of nations and to mutually beneficial and peaceful relationships between and among nations; from a firm conviction that failure to observe that principle breeds international friction and ill-will, with consequences injurious to all countries, including in particular those countries which fail to observe it; and from an equally firm conviction that observance of that principle promotes the opening of trade channels thereby making available the markets, the raw materials and the manufactured products of the community of nations on a mutually and reciprocally beneficial basis.

The principle of equality of economic opportunity is, moreover, one to which over a long period and on many occasions the Japanese Government has given definite approval. It is one to the observance of which the Japanese Government has committed itself in various international agreements and understandings. It is one upon observance of which by other nations the Japanese Government has of its own accord and upon its own initiative frequently insisted. It is one to which the Japanese Government has repeatedly during recent months declared itself committed.

The people and the Government of the United States could not assent to the establishment at the instance of and for the special purposes of any third country of a regime which would arbitrarily deprive them of the long established rights of equal opportunity and fair treatment which are legally and justly theirs along with those of other nationals.

Fundamental principles such as the principle of equality of opportunity which have long been regarded as inherently wise and just which have been widely adopted and adhered to, and which are general in their application are not subject to nullification by a unilateral affirmation.

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In the light of these facts, and with reference especially to the purpose and the character of the treaty provisions from time to time solemnly agreed upon for the very definite purposes indicated, the Government of the United States deprecates the fact that one of the parties to these agreements has chosen to embark--as indicated both by action of its agents and by official statements of its authorities--upon a course directed toward the arbitrary creation by that power by methods of its own selection, regardless of treaty pledges and the established rights of other powers concerned, of a "new order" in the Far East. Whatever may be the changes which have taken place these matters are of no less interest and concern to the American Government than have been the situations which have prevailed there in the past, and such changes as may henceforth take place there, changes which may enter into the producing of a "new situation" and a "new order", are and will be of like concern to this Government. This Government is well aware that the situation has changed. This Government is also well aware that many of the changes have been brought about by the action of Japan. This Government does not admit, however, that there is need or warrant for any one Power to take upon itself to prescribe what shall be the terms and conditions of a "new order" in areas not under its sovereignty and to constitute itself the repository of authority and the agent of destiny in regard thereto.

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The Government of the United States has at all times regarded agreements as susceptible of alteration, but it has always insisted that alterations can rightfully be made only by orderly processes of negotiation and agreement among the parties thereto.

The Japanese Government has upon numerous occasions expressed itself as holding similar views.

The United States has in its international relations rights and obligations which derive from international law and rights and obligations which rest upon treaty provisions. Of those which rest on treaty provisions, its rights and obligations in and with regard to China

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rest in part upon provisions in treaties between the United States and China and in part on provisions in treaties between the United States and several other powers including both China and Japan. These treaties were concluded in good faith for the purpose of safeguarding and promoting the interests not of one only but of all of their signatories. The people and the Government of the United States cannot assent to the abrogation of any of this country's rights or obligations by the arbitrary action of agents or authorities of any other country.

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Foreign Relations I, p. 820
at pp. 821-825

駐日米國大使（アーヴィング・グリーン）/日本外務大臣
（有田）ハ根革

第一二三号

東京一九三八年十二月三十日

事會並三經驗照合眾國政府の量表を表明せし見解ヲ再確言セサルヲ
得ス。即牛支那於慈善教育並商業方面、努力を從事スル
米國人、運動及活動ニ對付制限賦課日本、權益侵蝕失的
地位に置キテ、又之シ繼續スルバ益々此傾向濃化スルモノ有
ニ。又之故制限賦課ノ対果於合法的牛米國、權益ニ對シ是
シテクノ差別的行為、ナニ言フコトナリ。

更ニ為替管理強制通貨流通閑稅改正及支那或其域於其領
事事業、計画等、如事柄ノ開示、日本當局、計画並ニ實施日本政府、
或日本公武裝本八軍隊參支那創設、支持セシム政權支那主
權、權限、日本不加干涉能持平行動、又更ニノ様之行動不
三俗ニ合眾國合文化諸外國、既得權益無視、剩サム不存或
公廢棄宣言ノ後スル次第格有ルカ如キニ算當局側、該權意味也。
合眾國政府以下、如キ、所信を表明ス。即干問題、諸制限並三措
置は單一个事不當下、日本、日米兩國並或場合三他、諸國毛
締約國、且合意、下三加盟セル數個、拘束的國際協定、條項
二五入化事ナリ。

支那ノ關係於機會均等原則ヲ尊奉之意志ニヤ日本政府が
ハシモニ、併江並ニ之ヲ體察スル日本條約上義律三艦、合眾國

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敬啓、某十月六日、便文書三於日本政府より、該務ヲ遵奉、之に付合併証
々實際ニ履行化事ヲ要取セリ。

日本政府ハ、回答中、日本當局ニ依リ、眞理堂ヤシ助長セラル化東亞三於
新狀勢及新秩序ニ米國政府並他諸政府が諒解スルト言條件
下テ、原則ヲ遵奉スルコトガ、廿七事ヲ肯定之様、其後ニ付。

X X X X X

此、國機会均等原則、固守並三明道ハ、此原則規定ニ依リ、當然、前
テサル商業上利益を得シスル事ノ欲求ニ由来スルモノアリ。此原則
ヲ遵守スルコトハ、諸國民、國內ニ於ケル福祉並諸國民間、相互
有益且平和的、親睦關係ニ依ル經濟的、政治的、安定ヲ齎スル所
云、確固之信念ニ由來スルモノアリ。更ニ、原則ヲ遵守スルコトヲ
思ハ凡て、國競争遵守ニ念ル諸國家ニ对于テ特ニ有害ナル結果
ヲ伴テ、國際間、私敵及敵愾心ヲ生スルモノ確信ニ出ツル文
ナリ。或又此、原則ヲ遵守スルコト、諸國民、共同社會、市場、原
料及精製品、相互ニ互惠的ニ有利益條件下ニ利用得セラル様
貿易之路、開拓、促進スルモノ、確信が少改ナリ。

更ニ、經濟的機會均等、原則ハ長期ニ亘り、且以多々機會、於日本
政府が明確に賛意ヲ與ヘタル所矣ナリ。又種々、國際協定
及諒解、於日本政府が大ニ自身其遵守ヲ約束シタルモノアリ。

又、他諸國家が遵守化事ヲ日本政府が自同意、且自、發意於
三層次主張、有化モノアリ。其ハ日本政府が最近數月間、自カニ、
三拘束サル、モ十九事ヲ反覆、表明セラルモノアリ。

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合衆國國民並三政府會晤的二三月正當二個月，天下化機會均等及公正法律遇三村人長之間打擊了化權利三月他請國民，斯三種權利併行之化權利三勝手氣氛儘地帶也下文化改權三國，或凡，身勝手重要求及已特殊目的，下建設セトスルエノ二同意シ難キ所ト。

長：日本實的三賢明旦正當二月，廣く採用サ且道宇下レ又，適用，普遍的正機會均等，原則和基本的原則ハ一方的主張ニ依リ無效ニ傳セラセモ非也。

二等，諸事會見三照，又說二事下化極々明確ハ目即ハ屢次嚴肅三協定之三諸條約條項，目的並性格三開レ，合衆國政府ハ以下事會見ヲ非ト出天下。即ハ二等條約，締約國ノソガト、出失機會行動並ニ、官軍，公式聲明三條示サシテ如ノ條約上，誓約及七地關係列強，既得權利ニ無視三天，力ニ察ニ又自ラ擇擇也手段三象，東亞於ル新秩序ニ勝手創造ル方策三句ヲ造営ラ擇擇也事ト。發生三久諸種，變化如何ハル天下，モニ皆事柄公米國政府トヨ羅吉三於其處存セシ諸狀勢，同樣興味从開レ，諸三事，又今後其處一起ハ變化即ハ新狀勢ハ新秩序，創造三從人々セモ知，又变化ハ當政府ト，現在及將來トも同樣開心，對象トモト。

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各當政府ハ上等変化ハ日本行動三依，貰ラサシタモトナリ，方承知，又政府モ日本行動が變換ハ變化セル事ヲ知ル所ト。

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Br. Ex. 121

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1207

TOKYO, March 11, 1939.

EXCELLENCY: The renewed attention of Your Excellency is invited to my note No. 1178, dated February 6, 1939, relating to the imposition by the Japanese naval authorities at Chefoo of various restrictions on the shipment of merchandise, to the informal memorandum relating to unwarranted restrictions placed upon American personal and business interests in Tientsin which was left by the Counselor of the Embassy on (with) the Director of the American Bureau of the Foreign Office on February 6, 1939, and to the aide memoire which was left at the Foreign Office on March 8, 1939, in which the hope was expressed that, in view of the continued imposition of such restrictions at Tientsin, necessary steps would immediately be taken to alleviate those restrictions.

From various sources the Government of the United States has received further information to the effect that the Japanese sponsored regime in North China, with the support of the Japanese authorities, has brought about the imposition of drastic trade restrictions, including the requirement of export permits and controlled money exchange.

The Government of the United States regards these export restrictions as the most comprehensive discrimination against the United States and other foreign countries and in favor of Japan which has yet been established in North China by Japanese authorities and as a virtual nullification in that area of the principle of equal opportunity so far as import and export are concerned.

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Foreign Relations I, pp. 831-832

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Br. Ex. 121

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

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Foreign Relations I, pp. 831-832

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馬主 日米大使(アーヴィング) 九月二十一日 答日本外務大臣(有田)宛

拔萃

第一〇七号

東京一九三九年三月十一日

閣下、在支界日本海軍事局ヨリ加ヘ乞乞化商品出荷ニ付スル
諸種、制限ニ關スル一九三九年二月六日附陸續第二七八号
一九三九年二月六日解大使館參事官ヨリ貴外務省アリカ局
長ニ提出セラシタル天津ニ於乞米國人個人的及ニ商業上、
利害關係ニ加ヘラシタル不對化制限ニ關スル非公式覺書及ニ天津
ニ於乞引領半行ハシ居化此種制限ノ實施ニ鑑シ之博制限ヲ
緩和スル事心要ノ手段ノ即時採ラシタ旨希望ヲ表明セ
一九三九年三月八日貴外務省へ提出ノ覺書、以上三封シ改メテ
閣下御注意ヲ喚起致候。

合衆國政府ハ更ニ權々在方面ヨリ、日本、支那下ニア化北支
政權が日本官憲支持ノ下ニ輸出許可制及ニ為替統制ヲ
倉公徹底的貿易制限ヲ設ケルトキトクノ情報ヲ得居
候

合衆國政府之博制限が日本官憲ニ依リ北支ニ於テ既
ニ設定セラシタル、合衆國及其他諸外國ニ付スル最も包括
的ナリ差別待遇ヲ日本ノ利入ナ差別的待遇ニシテ、且
輸出入ノ關係ニ同地域ニ於乞機会均等ノ原則、實質上
上之處意味スルモナリト見做スモニ有之候

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Br.

THE AMERICAN CHARGE IN JAPAN (DOOMAN) TO THE JAPANESE
MINISTER FOR FOREIGN AFFAIRS (ABE)

Excerpts.

No. 1366

TOKYO, September 1, 19

EXCELLENCY: I have the honor to inform Your Excellency that the Japanese military forces at Swatow have continued to occupy the premises of the Chinese Maritime Customs at that port for a period of more than two months.

It is the view of my Government that the actions, as set forth above, of the Japanese authorities at Swatow constitute an effective seizure of the Chinese Maritime Customs at Swatow. I am, accordingly, desired by my Government to protest against such seizure and continued occupation of the customs house which prejudice the integrity of the Chinese Maritime Customs. My Government takes this occasion to reiterate and further to emphasize to the Japanese Government its very real interest in the preservation and integrity of the Chinese Maritime Customs and in the safeguarding of the customs revenues.

I avail myself, (etc).

Eugene H. Dooman

Foreign Relations I, pp. 748-749

Eug993 2190(88)

駐日米国大使館参事官(ドウマン) / DOOMAN / △日本
外務大臣(阿部) /

抜
萃

第二六六

東京 一九三九年九月一日

閣下私、閣下以下事付添報告申上。此事ヲ起宋文化七、アリス。即ち山頭三於此日本陸軍が同着於支那海關建物反其構内二十日以上期間三日引續キ占領シテ中止事アリ也。

山頭三於此日本官憲(上述)如行勸ハ我政府自解ニシバ山頭支那海關各官吏上接收入構成化モアリス。然シテ私ハ我政府カラ支那海關保全ヲ害ハ右統關斯カル接收入總實的占領計議申込公様要請サセシタ。吾が政府ハ此機會於テ支那海關保全並税關收入保護ニ計深甚ナル意ヲ持シコトヲ日本政府計入し且重ニ之ヲ強調セント在モアリス。

外交關係一.

P.P. 七八一七四九

Eugene H. Dooman

九月一三日

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